



Licensing Board

May 18, 2009 - 7:00 p.m. – **Agenda**
133 William Street, Room 314

View Minutes

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PRESENT: Steven A. Beauregard, Chairman
Ronald E. Frenette, Commissioner
Capt. Steven Vicente, Liaison to the Licensing Board
Nick Nanopoulos, Director

MOTION TO ACCEPT THE MINUTES OF THE MEETING OF – April 13, 2009

APPROVALS RECEIVED FROM THE ALCOHOLIC BEVERAGES CONTROL COMMISSION

New Wine & Malt License - Trans. # 220 – (Plot #69—1)

West End Grille, LLC, which is petitioning for a **New Common Victualler (Restaurant) Wine and Malt Beverages License**. **Maria J. Tremblay** is the **Sole Member, Co-Manager, and Sole Interest Holder of the LLC**; **Monica D. Charbonneau** is a Co-Manager of the LLC, and **Michelle D. Eugenio** is also a Co- Manager of the LLC and the **Proposed Liquor License Manager**. Premises consist of One (1) room for dining, a full kitchen with stock area, and two (2) handicapped restrooms in an area approximately 1,564 sq. ft. on the first floor of a one-story building. There is one (1) entrance/exit in the front of the building and one (1) additional exit on the Rockdale Avenue side of the building. Premise is situated on the south side of Rockdale Avenue on the Corner of Rockdale Avenue and Parker Street, and numbered **1000 Rockdale Avenue**.

Final approval will require a '**Certificate of Inspection**' from the Building Department, a '**Food Permit**' from the Health Department, and a signed '**Fire & Building Certificate**' with regard to Chapter 304 Fire Acts Compliance.

Approved By ABCC – 04/29/09

Change of Officers, Directors, Manager, and Transfer of Corporate Stock - Tr. #110 – (Plot # 19--48)

The Sky Room, Inc. d/b/a The Sky Room, Maria L. Pacheco, President who is requesting the acceptance of her resignation as President, Director, and Manager, and that of **Terrence J. Hayes as Clerk**, and to allow the transfer of all their corporate stock; and who is also petitioning for a **Change of Officers, Directors, Manager, and Transfer of Corporate Stock of the Common Victualler (Restaurant) All Alcoholic Beverages License**. **Audrey Carter** will remain as the Sole Officer of the Corporation, and will serve as the President, Treasurer, Clerk, Sole-Director, Sole Stockholder, and is the **Proposed New Manager** of the Corporation. Premises will remain the same at **651 Orchard Street**.

Approved By ABCC – 05/06/09

Change of Manager - Trans. # 202 – (Plot # 92--267)

MMRB Corporation d/b/a Costa's Sunoco Mini-Mart, 397 Sawyer Street, who is requesting the approval of **Golam B. Chowdhury**, who resides at **2221 Purchase Street, New Bedford, MA**, as their new Manager.

Approved By ABCC – 05/07/09

DISAPPROVALS RECEIVED FROM THE ALCOHOLIC BEVERAGES CONTROL COMMISSION

Change of Manager - Trans. # 202 – (Plot # 92--267)

Veterans of Foreign Wars of the United States, Inc. (Andrew Dahill Post #1531), 477 Park Street, who is requesting the approval of **Patrick M. Flinn**, who resides at **29 Seventh Street, New Bedford, MA**, as their new Manager.

1st Attempt - Disapproved By ABCC – 05/06/09 - Failure To Comply With Mass Tax Laws

To Be Sent Back To ABCC "For Reconsideration" ONLY upon notification from Applicant or DOR to re-submit

Tabled at 04/13/09 Meeting

1. APPLICATION, Trans. # 073 – (Plot # 25--88)

Portuguese Sports Club, Inc., 56 Delano Street, requesting the approval of **Jose Calheta**, who resides at **142 Tickle Road, Westport, MA as their new Manager.**

Minutes of 03/23/09 Meeting

Verbal request from applicant to Table the matter until the Board's 04/13/09 Meeting.

VOTED: Commissioner Frenette made a motion to table the matter until the Board's April 13th meeting – **Unanimous**

Minutes of 04/13/09 Meeting

Present: Jose Calheta, Applicant

Responding to questions from Chairman Beauregard, Mr. Calheta stated that he did not have any experience in running a liquor establishment and that his experience was in running a roofing company; and when asked by the Chairman if he was T.I.P.S. Certified, Mr. Calheta was unfamiliar with the common name used for alcohol service training; and that he has been a member of the 'Club' for 20 years. After listening to the responses to the questions posed to Mr. Calheta by Chairman Beauregard, it was the consensus of the Board that Mr. Calheta lacked the knowledge and experience at the present time, and suggested that it was probably a good idea to give Mr. Calheta an opportunity to become T.I.P.S Certified, prior to the Board taking any action on the application.

Voted: Commissioner Frenette made a motion to table the matter until such a time as the applicant completes an alcohol certification course, which was determined to be necessary, so that the applicant could gain a better understanding of the rules and regulations in managing a licensed establishment; and that the applicant, upon certification, must contact this office so that the matter may be placed on our next scheduled meeting agenda - **Unanimous**

2. APPLICATION, Trans. # 221 – (Plot # N/A – City of New Bedford Regional Airport)

Restaurant Partners, LLC d/b/a Airport Grille, which is petitioning for a **New Common Victualler All Alcoholic Beverages** license under **Commonwealth of Massachusetts Special Legislation – Chapter 619 of the Acts & Resolves of 1968**, which allows for an all alcoholic beverages license to be issued to be exercised only on the premises of the New Bedford Airport, which shall not be transferable from said Airport, and terminates, becomes null & void at the termination of the lease of the restaurant premises. **William M. Whelan** is the Sole-Manager of the LLC, a Co - Member, Co - Interest Holder (20%), and the **Proposed Manager of the Liquor License**; William N. Whelan, Paul A. Cruz, Anthony A. Cruz, and Oliverio Ferreira are all Co - Members of the LLC and Co – Interest Holders (20% ea.). Premises consists of an area approximately 2,000 sq. ft., which includes Two (2) rooms for dining, a bar area, along with a kitchen and storage area; there is also an outside patio area approximately 500 sq. ft., which is enclosed with a 36" knee wall surrounding it, that has an entrance/exit into the main dining area and an exit into the parking lot. There is also a main entrance/exit from inside the main terminal building into the restaurant, with a secondary entrance/exit located in the receiving and kitchen area. There are two (2) handicapped restrooms located in the 'common area' of the main terminal building, in which alcohol will not be allowed. Premise is situated on that part of the airport located in the City of New Bedford Main Terminal Building, which is under control of the New Bedford Airport Commission, and **numbered 1569 Shawmut Avenue.**

Final approval will require a '**Certificate of Inspection**' from the Building Department, a '**Food Permit**' from the Health Department, and a signed '**Fire & Building Certificate**' with regard to **Chapter 304 Fire Acts Compliance.**

Application has been advertised; Abutters have been notified

3. APPLICATION, Trans. # 105 – (Plot # 47--219)

New England Fisheries, LLC d/b/a Waterfront Grille, Kevin Santos, Manager of LLC, 36 Homer's Wharf, who is requesting permission to **Change the Description** of the **Common Victualler All Alcoholic Beverages** licensed premises; also, a Change of Manager is being requested approving **Madeline Rioux**, who resides at **43 Arlington Avenue, Westport, MA as their new Manager.** Upon completion of renovations the description shall read as follows,: Licensed premises consists of a total area of 8,900 sq. ft. on the first floor of a two-story building, which includes three (3) dining rooms, bar area, reception area, office, kitchen and storage area, and two (2) handicap accessible restrooms with an additional sushi dining room with a bar area and two (2) restrooms; also included on the first floor level is an exterior deck area, approx. 624 sq. ft. for outside dining on the east side of the building, which is contiguous to the main dining room, and an outside dining patio area with a seasonal bar, approx. 806 sq. ft. for dining on the south side of the building, which is also contiguous to the main dining area, which is enclosed with an entrance/exit into the main dining area with an exit into the parking lot. There is also an area, approx. 1,900 sq. ft. on the second floor of the two-story building, which includes a function/dining room with two restrooms, which also includes an upper outside deck area, approx. 216 sq. ft. for dining on the east side of the building; there is also an upper outside deck with a seasonal bar, approx. 806 sq. ft. for dining on the south side of the building, with a stairway to the lower outside deck. There are three (3) entrances/exits into the premises, which includes one into the main dining area, and one into the sushi dining room, and one into the outside patio area, which both have contiguous entrances and exits into the main dining area; and there are also two additional exits through the kitchen and the storage area. Premises is situated on the south side of Homer's Wharf, between Front Street and the Acushnet River, and **numbered 36 Homer's Wharf.**

Final approval will require a '**Certificate of Inspection**' from the Building Department, a '**Food Permit**' from the Health

Department, and a signed 'Fire & Building Certificate' with regard to **Chapter 304 Fire Acts Compliance**.
Application has been advertised; Abutters have been notified

4. Hearing: Sapatinha's Café, Inc.

Jose G. Borges, Jr. Manager
289 Acushnet Avenue

Please be advised, it has been determined by this Office that you are now operating under another name (**Euphoria Lounge**) other than for what you are licensed (See Attached).

Therefore, please be advised that you are in violation of M.G.L. Ch. 138 sec. 12, 15A, & 23, for operating under a d/b/a other than the one for which you have been approved and licensed, and that your presence is requested at a hearing **on non-compliance**.

Furthermore, it is very important that every establishment has the proper signage in place that reflects the listings that are distributed to all City Departments; and more importantly, to all divisions of emergency management, including Police, Fire, and EMS, so when called, they may respond in a timely manner, and without delay.

5. PETITION - Tr. # 010 - (Plot # 47--2)

Sapatinha's Café, Inc., Jose G. Borges, Jr. Manager, who is requesting approval of **Euphoria Lounge** as its d/b/a, with premises remaining the same at **289 Acushnet Avenue**.

6. Meeting: Portuguese American Athletic Club of Greater N.B., Inc.

Arlindo Moura, Manager
56 Holly Street

Your presence is requested at a meeting to discuss concerns this Board has regarding the day to day operation of your facility.

Per your hearing of April 13, 2009, you were instructed to provide the Licensing Board with a business plan which should include, at a minimum, a list of those persons who serve as bartenders for the organization. The service of alcohol is a serious matter and the use of patrons to serve such alcohol will not be permitted nor condoned. I strongly suggest that your plan include the hours of operation, shift schedules, as well as your duties and responsibilities as the manager of said license.

Your failure to appear at this meeting and submit the requested information will result in the immediate suspension of your liquor license until such matter is resolved.

7. APPLICATION,

Ribeiro Bros., LLC d/b/a Pour Farm Tavern & Grille, Craig Ribeiro, Manager who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a 'Craft Beer Festival' to be held in '**Wing's Court**', located **off Union Street**; and to be held on **Saturday, June 27, 2009, from 12:00 p.m. until 5:00 p.m.**

8. APPLICATION, (No Representation Needed)

The Olivia "Lulu" Pyne Foundation of Hope, Gretchen Pyne, Representative who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a 'Fundraiser/Art Auction' to be held at **Artworks!**, located at **384 Acushnet Avenue**; and to be held on **Thursday, May 21, 2009, from 7:00 p.m. until 9:00 p.m.**

9. APPLICATION, (No Representation Needed)

KNT Enterprises, Inc. d/b/a Kirby's Irish Pub, Jason Kirby, Manager who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a 'Fundraiser/Ride for Dave' to be held in the '**Parking Lot**', located at **818 Kempton Street**; and to be held on **Saturday, May 23, 2009, from 12:00 p.m. until 8:00 p.m.**

10. APPLICATION, (No Representation Needed) – LATE FILE

Nucleo Sportinguista #82, Sergio Franco, Representative who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a 'A Mayoral Party from Portugal, to be held at the **Nucleo Sportinguista #82 Club**, located at **1561 Acushnet Avenue**; and to be held on **Friday, May 29, 2009, from 6:00 p.m. until 11:45 p.m.**

11. APPLICATION, (No Representation Needed)

Trans-City, Inc. d/b/a The Wharf Tavern, Rene E. Servais, Manager who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a 'Second Annual Matty Scholarship Ride' to be held in the '**Parking**

Lot', located at **216 Herman Melville Blvd.**; and to be held on **Sunday, June 7, 2009, from 12:00 p.m. until 8:00 p.m.**

12. APPLICATION, (No Representation Needed) – LATE FILE

European Café, Inc. d/b/a Café Europa, Pedro Ferreira, Manager requesting approval of an application for a **Special One-Day All Alcoholic Beverage License** for the 'Day of Portugal' celebration to be held on **Acushnet Avenue (from Coffin Avenue to Sawyer Street)**; and to be held **Friday, June 12, 2009 from 6:00 p.m. until 11:30 p.m., Saturday, June 13, 2009 from 12:00 p.m. until 11:30 p.m., and Sunday, June 14, 2009 from 12:00 p.m. until 10:00 p.m.**

13. APPLICATION, (No Representation Needed) – LATE FILE

Calderon & Calderon, Inc. d/b/a Café Portugal, Manuela Calderon, Manager requesting approval of an application for a **Special One-Day All Alcoholic Beverage License** for the 'Day of Portugal' celebration to be held on **Acushnet Avenue (from Coffin Avenue to Sawyer Street)**; and to be held **Friday, June 12, 2009 from 6:00 p.m. until 11:30 p.m., Saturday, June 13, 2009 from 12:00 p.m. until 11:30 p.m., and Sunday, June 14, 2009 from 12:00 p.m. until 10:00 p.m.**

14. APPLICATION,

Henry N. Lee, who resides at **1000 Tucker Road, North Dartmouth, MA** who is requesting approval of his application for a **Motor Vehicle Class II (Used Car Dealer) License for Washington Square Auto Sales**, with premises situated at **271 County Street**.

Note: Site was previously licensed to Mr. Lee, but was not renewed in 2003, and was previously approved for the display of **Fifteen (15) cars by Inspectional Services**.

Approval of the Motor Vehicle Class II License will require a **'Certificate of Inspection'** from the **Office of Inspectional Services**, a **\$25,000.00 Bond**, and a **Notarized Letter** stating where the repairs will be done.

15. APPLICATION,

Robert W. Rogers, who resides at **830 Allen Street, North Dartmouth, MA** who is requesting approval of his application for a **Motor Vehicle Class II (Used Car Dealer) License for Cove Auto Sales**, with premises situated at **1421 Cove Road**.

Note: Site was previously licensed to Jose A. Pacheco d/b/a Cove Road Auto Sales, which was surrendered on **04/23/09**, and was previously approved for the display of **Nineteen (19) cars by Inspectional Services**.

Approval of the Motor Vehicle Class II License will require a **'Change of Tenant'** from the **Office of Inspectional Services**, a **\$25,000.00 Bond**, and a **Notarized Letter** stating where the repairs will be done.

16. APPLICATION,

Brian Esteves, who resides at **962 Thorndike Street, N. B., MA** is requesting approval of his application for a **Motor Vehicle Class II (Used Car Dealer) License for Airport Automotive Repair, Inc.**, with premises situated at **78 Jones Street**.

Note: Applicant has been approved for a **'Special Permit'** to sell used cars from the City Council (**04/24/09**); and **Inspectional Services** will determine the amount of cars for display.

Approval of the Motor Vehicle Class II License will require a **'Certificate of Inspection'** from the **Office of Inspectional Services**, a **\$25,000.00 Bond**, a **Notarized Letter** stating where the repairs will be done, and a **copy of the Articles of Organization**.

17. Meeting: Irmandade Do Divino Espirito Santo Do Pico Committee

Jose Matos, President
2056 Acushnet Avenue

Your presence is requested at a meeting to be held in this office to discuss any concerns the Board may have **regarding security and enforcement of Licensing Board & ABCC Rules & Regulations** with regard to your annual event; the meeting will include Chief Teachman and Lt. Sylvia, Detail Officer for Special Events.

As has been done with other events, it is **required** that you appear before the Board and outline your planned activities, and that you **must submit** a **'Security Plan'**, which would address the following issues, along with a **'Venue Map'**:

- Hours of Operation - Starting Times/Closing Times/Last Call/etc.
- I.D. Checks and the Issuance of Wristbands
- Flow and Control of Alcohol
- # Of Police Officers

18. APPLICATION,

Irmandade Do Divino Espirito Santo Do Pico, Jose Matos, President requesting approval of an application for a

Special One-Day All Alcoholic Beverage License for a 'Fundraiser/Summer Festival' celebration to be held in the Association Parking Lot, located at **2056 Acushnet Avenue**; and to be held **Friday, June 26, 2009, from 5:00 p.m. until 11:45 p.m., Saturday, June 27, 2009, from 2:00 p.m. until 11:45 p.m., and Sunday, June 28 2009, from 12:00 p.m. until 10:00 p.m.**

19. Meeting: The Club Madeirense S.S. Sacramento, Inc.

Feast of the Blessed Sacrament

Michael Canastra, President

50 Madeira Avenue

Your presence is requested at a meeting to discuss any concerns the Board may have **regarding security and enforcement of Licensing Board & ABCC Rules & Regulations** concerning the weekend of the **Feast of the Blessed Sacrament**, the meeting will include Chief Teachman, Capt. Steven Vicente, Liaison to the Licensing Board and Lt. Scott Sylvia, Liaison to the Feast Committee.

ACTION TAKEN (09/29/08): To notify the Feast Committee of those recommendations which were discussed and to request that they consider the issue of limiting the number of multiple sales of alcohol after a certain hour, adding more signage, and those issues regarding the museum area; and request that the Feast Committee appear at the Licensing Board's June 2008 meeting, to review any new initiatives that they have implemented to address those issues that were discussed, for next year's event.

PREVIOUSLY ADOPTED:

- The Feast grounds perimeter that patrons will be traveling in and out of, which includes the 'Feast and the Carnival area' will be enclosed with **only four (4) entrances/exits locations.** (See Attached Plan)
- Each entrance/exit will be manned by Police Officers full time and they **will be responsible for not allowing alcohol to leave that area.**
- The Feast Committee **agreed to hire five (5) additional officers for each night** of the Feast, who will be used to contain the alcohol in the enclosed area.
- Post signs at all entrances & exits – **"No Alcohol Beyond This Point"**.
- **Set up barrels at all exits** to help deter persons from leaving the contained area with alcohol.
- **I.D.'s will be checked before issuing wristbands;** also anyone consuming alcohol will be monitored to make sure they have a wristband and spot checks of person's with wristbands will be done to make sure they have proof of age on them.
- The Feast Committee has also **agreed to keep nine (9) Officers an additional hour (until 2:00 a.m.) to provide extra security for the neighborhood** and they will patrol the immediate neighborhood to ensure that those persons leaving the Feast Grounds do so in a timely manner with as minimal an amount of disturbance to the neighborhood as possible.
- They also **have eliminated the 28 oz. containers of Madeira Wine,** which will only be sold in 3 oz. & 7 oz. cups, which should eliminate some of the problems with intoxication and the consumption of the wine by minors purchased by persons of age. (New)

ADOPTED FOR 2007:

- **Police Officers** – stationed at each I.D. Station.
- **35 and Under Line** – will be used for the I.D. Scanning machines.
- **6 I.D. Scanning Machines** – 2 machines at 3 sites on the feast grounds linked to a common database, which will issue only one wristband per night to any one person, which will allow the feast to:
 1. Prohibit second hand use of the same license.
 2. Better identify those people less than 35 yrs. of age (different style of wristbands).
 3. AgeBand Bracelets – includes last name and last 4 digits of identification (social security) #'s.
 4. Wristbands will be placed on the person's right wrist for easier visibility.
 5. Police can override negative or misread readings.
 1. **35-Year-Old Plus Line** – I.D. checking for older adults will be done manually.
 2. **Special Alcohol Safety Team** – Club members designated to audit liquor service areas for compliance with all liquor laws.
- **Bartender Training** – Training will be provided to volunteers responsible for serving alcohol.
- **Improved Signage** – Stating "The Feast Committee may revoke alcohol use at any time for any reason".
 1. Signs at all locations where alcohol is served.

2. On the Screen/Main stage.
 3. Drinking is a privilege provided by the Club S.S. Sacramento and the Feast of the Blessed Sacramento to those individuals that are of lawful age and responsible.
- **Underage Sting Program** – The Feast welcomes state and local underage sting operations to help insure safety.
 - **Public Notice** – Feast will promote and inform the public of all new initiatives in place to curb underage drinking and intoxication.
 - **Cab Company/Transportation** – An arrangement has been formed with a local cab company to be available to drive home guests that appear to be under the influence.

Jocelyn Andrade of the Substance Abuse Task Force stated that she would be issuing posters that will help with verifying I.D.'s; and would be looking into holding a training seminar for the Committee and their servers, to which Mr. Colangelo stated would be held the Wednesday before the feast.

Chairman Beauregard once again stated his desire to see the alcohol contained within the fenced in feast grounds, by stating that this is the last weak spot we have, which is the sale of alcohol out onto Hathaway Street; and that is the place we have alcohol coming off the grounds and that is the only area where we don't have the control we would like to see.

ADOPTED FOR 2008:

- ✓ No vendors serving drinks outside the defined Feast perimeter*
- ✓ Two TIPS training sessions with more than 50 people completing the 4 hour course
- ✓ Improved ID / Age verification system – I Detect*
- ✓ There will be rope lines to maintain clearer access for Police and Emergency people and equipment at the Feast Entrance on Tinkham Street
- ✓ Feast Vendors have been located to Hathaway street providing more handicap parking
- ✓ Hathaway street will be better lit with the same flood-lights previously provided and lighting of vendor areas

****Recommendations by the NBPd and the NBLB***

Issuing Wristbands

- ✓ 10 handheld devices have been purchased
- ✓ All machines linked to computer and each other
- ✓ Separate lines for 30+/35+ years old
- ✓ ID visually checked to verify it is that of the person presenting it.
- ✓ ID scanned and if formatted with proper state encoding and of lawful age a barcode and numeric wristband is printed and information stored in computer – The barcode or id number on the wristband can be used to retrieve information from computer
- ✓ Wristband placed on individual's right-hand
- ✓ Software prohibits multiple uses of same ID, and can be used to ban individuals from reuse
- ✓ Any questions are consulted with Police stationed at the Wristband booths
- ✓ In the event that a scanning machine appears to be a misread, police can override
- ✓ NB Substance abuse task force members will assist with issuing of wristbands

Special Alcohol Safety Team

- ✓ Larry Jacques – Club President
- ✓ Michael Canastra – Feast President
- ✓ Carl Colangelo – Club BOD
- ✓ John Nunes – Club Treasurer
- ✓ Feast Vice President
- ✓ Other members of Club and Feast Committee TBD

Training and Policy review

- ✓ Review Alcohol and Safety Policy to all Feast Committee members – Mandatory (Wednesday before Feast) – Also, any other members present.
- ✓ Two TIPS training sessions offered to all volunteers and neighborhood bar personnel

***Licenses for this year's event must be applied for by July 6, 2009**

20. Hearing: Simba, Inc. d/b/a 'VISIONS'

Kristina Morrow, Manager

226 Union Street - 4th Incident Regarding a Minor on the Premises

Your presence, and that of Derek Yates, (Doorman/Bartender) is requested at a hearing to determine whether you have

violated certain provisions of Massachusetts General Laws, the Alcoholic Beverages Control Commission (ABCC) Regulations, and Licensing Board Rules and Regulations as reported by City of New Bedford Police Department Incident Reports as follows:

Violations: Massachusetts General Laws Chapter 138, sections 34, 34b, 34c-

It is illegal for anyone under the age of twenty-one years to purchase or be in possession of an alcoholic beverage; identification must be checked on the day of service.

Alcoholic Beverages Control Commission Regulation 204 CMR 2.05: (2)-

States no licensee shall permit any illegality to occur on the licensed premises. The licensee is responsible, whether present or not, for ensuring that no disorder, disturbance, or illegality takes place in or on a licensed premises.

Licensing Board Regulation No. 5, 12--

Sale of alcoholic beverages, wine and malt beverages to persons under twenty-one years of age is prohibited; Premises must at all times be kept safe...

Summary of Incident

Police Department Incident Report states that multiple units were dispatched to 226 Union Street, for a call that a male had been stabbed. The Officers noted in their report that as they were pulling up, there were masses of people running from the club, at which time they were directed inside and to the rear of the club/kitchen area where the victim was located. According to the doorman, the assailant was the primary aggressor and he was escorted to the door by the bouncers, however they hadn't realized there had been a stabbing and the assailant was allowed to leave. It should be noted that the staff did assist the Police with their investigation.

A supplemental report was also filed, which stated that the Officers were approached by a female while conducting their investigation that came in holding the left side of her face, screaming that she had just gotten assaulted outside of the First Citizen's Credit Union, located at 271 Union Street.

The female immediately walked over to the ladies' room, without stopping to ask where the restrooms were located.

A friend of the victim and a witness to the incident stated that the female had been in an argument inside of the establishment with another female but nothing occurred between the two inside of the establishment.

Several of the doormen and bouncers stated that they observed the female, who had a valid Massachusetts Identification Card on her person, which clearly stated her name and date of birth on it, inside of the establishment during operating hours, prior to the establishment clearing out for the stabbing incident, and who was only 19 years of age.

Date and time of alleged violations: Sunday, February 15, 2009 @ approximately 1:05 a.m. - #2009 – 02561/02563

21. Hearing: Café Monte Carlo Corp.

Tony S. Pereira, Manager

1478 Acushnet Avenue - 1st Offense

Your presence and that of **Sara Antunes, Barmaid** is requested at a hearing to determine whether you have violated certain provisions of Massachusetts General Laws, the Alcoholic Beverages Control Commission (ABCC) Regulations, and Licensing Board Rules and Regulations as reported by City of New Bedford Police Department Incident Report as follows:

Violations: Massachusetts General Laws Chapter 138, sections 34, 34b, 34c-

It is illegal for anyone under the age of twenty-one years to purchase or be in possession of an alcoholic beverage; identification must be checked on the day of service.

Alcoholic Beverages Control Commission Regulation 204 CMR 2.05: (2)-

States no licensee shall permit any illegality to occur on the licensed premises. The licensee is responsible, whether present or not, for ensuring that no disorder, disturbance, or illegality takes place in or on a licensed premises.

Licensing Board Regulation No. 5-

Sale of alcoholic beverages, wine and malt beverages to persons under twenty-one years of age is prohibited.

Summary of Incident

Police Department Incident Report states that while conducting undercover stings of several liquor establishments in the New Bedford area, an underage Police Cadet in an undercover capacity posing as a customer, purchased alcohol from a female bartender later identified as **Sara Antunes**, who was later informed that she allegedly just sold alcohol to a minor.

Date and time of alleged violations: Thursday, March 26, 2009 @ approximately 6:42 p.m. - #2009 – 00176/16

22. Hearing: Zamora & Family, Inc. d/b/a
Freddie's Café (Churrascaria Aveirense)
Alfredo M. Zamora, Manager
175 Sawyer Street - 1st Offense

Your presence and that of **Courtney L. Avellar, Barmaid** is requested at a hearing to determine whether you have violated certain provisions of Massachusetts General Laws, the Alcoholic Beverages Control Commission (ABCC) Regulations, and Licensing Board Rules and Regulations as reported by City of New Bedford Police Department Incident Report as follows:

Violations: Massachusetts General Laws Chapter 138, sections 34, 34b, 34c-

It is illegal for anyone under the age of twenty-one years to purchase or be in possession of an alcoholic beverage; identification must be checked on the day of service.

Alcoholic Beverages Control Commission Regulation 204 CMR 2.05: (2)-

States no licensee shall permit any illegality to occur on the licensed premises. The licensee is responsible, whether present or not, for ensuring that no disorder, disturbance, or illegality takes place in or on a licensed premises.

Licensing Board Regulation No. 5-

Sale of alcoholic beverages, wine and malt beverages to persons under twenty-one years of age is prohibited.

Summary of Incident

Police Department Incident Report states that while conducting undercover stings of several liquor establishments in the New Bedford area, an underage Police Cadet in an undercover capacity posing as a customer, purchased alcohol from a female bartender later identified as **Courtney L. Avellar (20 Yrs. Old)**, who was later informed that she allegedly just sold alcohol to a minor.

Date and time of alleged violations: Thursday, March 26, 2009 @ approximately 6:29 p.m. - #2009 – 00176/18

23. Hearing: Freestone's Restaurant Group, Inc. d/b/a
Freestone City Grill
Russell Kandalaft, Manager
41 Williams Street - 1st Offense

Your presence and that of **David Neitz, Bartender** is requested at a hearing to determine whether you have violated certain provisions of Massachusetts General Laws, the Alcoholic Beverages Control Commission (ABCC) Regulations, and Licensing Board Rules and Regulations as reported by City of New Bedford Police Department Incident Report as follows:

Violations: Massachusetts General Laws Chapter 138, sections 34, 34b, 34c-

It is illegal for anyone under the age of twenty-one years to purchase or be in possession of an alcoholic beverage; identification must be checked on the day of service.

Alcoholic Beverages Control Commission Regulation 204 CMR 2.05: (2)-

States no licensee shall permit any illegality to occur on the licensed premises. The licensee is responsible, whether present or not, for ensuring that no disorder, disturbance, or illegality takes place in or on a licensed premises.

Licensing Board Regulation No. 5-

Sale of alcoholic beverages, wine and malt beverages to persons under twenty-one years of age is prohibited.

Summary of Incident

Police Department Incident Report states that while conducting undercover stings of several liquor establishments in the New Bedford area, an underage Police Cadet in an undercover capacity posing as a customer, purchased alcohol from a male bartender later identified as **David Neitz**, who was later informed that he allegedly just sold alcohol to a minor.

Date and time of alleged violations: Thursday, April 9, 2009 @ approximately 6:45 p.m. - #2009 – 00176/19

24. Hearing: Racing Mart, LLC d/b/a 'LUKOIL'
Alexandre El Tom, Manager
56 Potomska Street - 1st Offense

Your presence and that of **Manal El Khoury, Sales Clerk** is requested at a hearing to determine whether you have

violated certain provisions of Massachusetts General Laws, the Alcoholic Beverages Control Commission (ABCC) Regulations, and Licensing Board Rules and Regulations as reported by City of New Bedford Police Department Incident Report as follows:

Violations: Massachusetts General Laws Chapter 138, sections 34, 34b, 34c-

It is illegal for anyone under the age of twenty-one years to purchase or be in possession of an alcoholic beverage; identification must be checked on the day of service.

Alcoholic Beverages Control Commission Regulation 204 CMR 2.05: (2)-

States no licensee shall permit any illegality to occur on the licensed premises. The licensee is responsible, whether present or not, for ensuring that no disorder, disturbance, or illegality takes place in or on a licensed premises.

Licensing Board Regulation No. 5-

Sale of alcoholic beverages, wine and malt beverages to persons under twenty-one years of age is prohibited.

Summary of Incident

Police Department Incident Report states that while conducting undercover stings of several liquor establishments in the New Bedford area, an underage Police Cadet in an undercover capacity posing as a customer, purchased alcohol from a female sales clerk later identified as **Manal El Khoury**, who was later informed that she allegedly just sold alcohol to a minor.

Date and time of alleged violations: Thursday, April 16, 2009, @ approximately 6:40 p.m. - #2009 – 00176/21

25. Hearing: Mee Hong, Inc.

Andrew Mark, Manager
120 Cove Street - 1st Offense

Your presence and that of **Priscilla Mark, Barmaid** is requested at a hearing to determine whether you have violated certain provisions of Massachusetts General Laws, the Alcoholic Beverages Control Commission (ABCC) Regulations, and Licensing Board Rules and Regulations as reported by City of New Bedford Police Department Incident Report as follows:

Violations: Massachusetts General Laws Chapter 138, sections 34, 34b, 34c-

It is illegal for anyone under the age of twenty-one years to purchase or be in possession of an alcoholic beverage; identification must be checked on the day of service.

Alcoholic Beverages Control Commission Regulation 204 CMR 2.05: (2)-

States no licensee shall permit any illegality to occur on the licensed premises. The licensee is responsible, whether present or not, for ensuring that no disorder, disturbance, or illegality takes place in or on a licensed premises.

Licensing Board Regulation No. 5-

Sale of alcoholic beverages, wine and malt beverages to persons under twenty-one years of age is prohibited.

Summary of Incident

Police Department Incident Report states that while conducting undercover stings of several liquor establishments in the New Bedford area, an underage Police Cadet in an undercover capacity posing as a customer, purchased alcohol from a female bartender later identified as **Priscilla Mark**, who was later informed that she allegedly just sold alcohol to a minor.

Date and time of alleged violations: Thursday, April 16, 2009, @ approximately 6:20 p.m. - #2009 – 00176/21

26. Hearing: Portugal No Coracao Corp. d/b/a Vieira's Café (Claudio's)

Paulo H. Vieira, Manager
1708 Acushnet Avenue - 1st Offense

Your presence and that of **Melissa Marie Santos, Barmaid** is requested at a hearing to determine whether you have violated certain provisions of Massachusetts General Laws, the Alcoholic Beverages Control Commission (ABCC) Regulations, and Licensing Board Rules and Regulations as reported by City of New Bedford Police Department Incident Report as follows:

Violations: Massachusetts General Laws Chapter 138, sections 34, 34b, 34c-

It is illegal for anyone under the age of twenty-one years to purchase or be in possession of an alcoholic beverage; identification must be checked on the day of service.

Alcoholic Beverages Control Commission Regulation 204 CMR 2.05: (2)-

States no licensee shall permit any illegality to occur on the licensed premises. The licensee is responsible, whether present or not, for ensuring that no disorder, disturbance, or illegality takes place in or on a licensed premises.

Licensing Board Regulation No. 5-

Sale of alcoholic beverages, wine and malt beverages to persons under twenty-one years of age is prohibited.

Summary of Incident

Police Department Incident Report states that while conducting undercover stings of several liquor establishments in the New Bedford area, an underage Police Cadet in an undercover capacity posing as a customer, purchased alcohol from a female bartender later identified as **Mellissa Marie Santos**, who was later informed that she allegedly just sold alcohol to a minor.

Date and time of alleged violations: Friday, March 27, 2009 @ approximately 6:41 p.m. - #2009 – 00176/15

27. Hearing: Arbco Corp., d/b/a

Red J's Colonial Lounge

Edward W. DaCosta, Manager

24 Clifford Street - 1st Offense

Your presence and that of **Tracy Souza, Barmaid** is requested at a hearing to determine whether you have violated certain provisions of Massachusetts General Laws, the Alcoholic Beverages Control Commission (ABCC) Regulations, and Licensing Board Rules and Regulations as reported by City of New Bedford Police Department Incident Report as follows:

Violations: Massachusetts General Laws Chapter 138, sections 34, 34b, 34c-

It is illegal for anyone under the age of twenty-one years to purchase or be in possession of an alcoholic beverage; identification must be checked on the day of service.

Alcoholic Beverages Control Commission Regulation 204 CMR 2.05: (2)-

States no licensee shall permit any illegality to occur on the licensed premises. The licensee is responsible, whether present or not, for ensuring that no disorder, disturbance, or illegality takes place in or on a licensed premises.

Licensing Board Regulation No. 5-

Sale of alcoholic beverages, wine and malt beverages to persons under twenty-one years of age is prohibited.

Summary of Incident

Police Department Incident Report states that while conducting undercover stings of several liquor establishments in the New Bedford area, an underage Police Cadet in an undercover capacity posing as a customer, purchased alcohol from a female bartender later identified as **Tracy Souza**, who was later informed that she allegedly just sold alcohol to a minor.

Date and time of alleged violations: Thursday, March 26, 2009 @ approximately 6:42 p.m. - #2009 – 00176/16

28. Hearing: The Pequod, Inc. d/b/a Rose Alley Ale House

John T. Mello, Manager

94 Front Street - 1st Offense

Your presence and that of **Elsie Richards, Barmaid** is requested at a hearing to determine whether you have violated certain provisions of Massachusetts General Laws, the Alcoholic Beverages Control Commission (ABCC) Regulations, and Licensing Board Rules and Regulations as reported by City of New Bedford Police Department Incident Report as follows:

Violations: Massachusetts General Laws Chapter 138, sections 34, 34b, 34c-

It is illegal for anyone under the age of twenty-one years to purchase or be in possession of an alcoholic beverage; identification must be checked on the day of service.

Alcoholic Beverages Control Commission Regulation 204CMR2.05 :(2)-

States no licensee shall permit any illegality to occur on the licensed premises. The licensee is responsible, whether present or not, for ensuring that no disorder, disturbance, or illegality takes place in or on a licensed premises.

Licensing Board Regulation No. 5-

Sale of alcoholic beverages, wine and malt beverages to persons under twenty-one years of age is prohibited.

Summary of Incident

Police Department Incident Report states that while conducting undercover stings of several liquor establishments in the New Bedford area, an underage Police Cadet in an undercover capacity posing as a customer, purchased alcohol from a female bartender later identified as **Elsie Richards**, who was later informed that she allegedly just sold alcohol to a minor.

Date and time of alleged violations: Thursday, April 9, 2009 @ approximately 6:30 p.m. - #2009 – 00176/20

29. Hearing: Johnson Turf & Golf Management d/b/a Whaling City Golf Course

Douglas W. Johnson, Manager

581 Hathaway Road - 1st Offense

Your presence and that of **Christine Arruda, Barmaid** is requested at a hearing to determine whether you have violated certain provisions of Massachusetts General Laws, the Alcoholic Beverages Control Commission (ABCC) Regulations, and Licensing Board Rules and Regulations as reported by City of New Bedford Police Department Incident Report as follows:

Violations: Massachusetts General Laws Chapter 138, sections 34, 34b, 34c-

It is illegal for anyone under the age of twenty-one years to purchase or be in possession of an alcoholic beverage; identification must be checked on the day of service.

Alcoholic Beverages Control Commission Regulation 204 CMR 2.05: (2)-

States no licensee shall permit any illegality to occur on the licensed premises. The licensee is responsible, whether present or not, for ensuring that no disorder, disturbance, or illegality takes place in or on a licensed premises.

Licensing Board Regulation No. 5-

Sale of alcoholic beverages, wine and malt beverages to persons under twenty-one years of age is prohibited.

Summary of Incident

Police Department Incident Report states that while conducting undercover stings of several liquor establishments in the New Bedford area, an underage Police Cadet in an undercover capacity posing as a customer, purchased alcohol from a female bartender later identified as **Christine Arruda**, who was later informed that she allegedly just sold alcohol to a minor.

Date and time of alleged violations: Friday, April 17, 2009, @ approximately 6:02 p.m. - #2009 – 00176/22

• **CORRESPONDENCE,**

GRANTED In City Council April 23, 2009

Received 04/28/09

The undersigned (**Airport Automotive Repair, Inc., 78 Jones Street**) petitions the City Council to grant a **SPECIAL PERMIT** to allow **Motor Vehicle (Used) Car Sales & Service**.

IN CITY COUNCIL, April 23, 2009

Rule 42 Waived – Yeas 10, Nays 0

Permission for Special Permit GRANTED - Yeas 10, Nays 0

Presented to the Mayor for approval April 24, 2009

Approved on April 24, 2009

Rita D. Arruda, City Clerk

Rita D. Arruda, City Clerk

Rita D. Arruda, City Clerk

Scott W. Lang, Mayor

GRANTED In City Council April 23, 2009

Received 04/28/09

The undersigned **Henry Lee, Property Owner, 271 County Street** petitions the City Council to grant a **SPECIAL PERMIT** to allow **Motor Vehicle (Used) Car Sales & Service**.

IN CITY COUNCIL, April 23, 2009

Rule 42 Waived – Yeas 10, Nays 0

Permission for Special Permit GRANTED - Yeas 10, Nays 0

Presented to the Mayor for approval April 24, 2009

Approved on April 24, 2009

Rita D. Arruda, City Clerk

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Rita D. Arruda, City Clerk

Scott W. Lang, Mayor

From: Eddie J. Jenkins, Chairman, for the ABCC

Dated – 04/27/09

Received – 04/29/09

Re: Joenat, Inc. d/b/a Freitas Package Store

1295 Cove Road

Re: Hearing Date – Wednesday, June 3 2009 @ 1:30 p.m. for a hearing regarding an appeal from the action of the Licensing Board of the City of New Bedford in **suspending the license of Freitas Package Store for a period of Ten (10) Days.**

Rec'd 04/24/09 – Notice of Appeal from Atty. Bernardo J. Cabral on behalf of Joenat, Inc. d/b/a Freitas Package Store, to the Alcoholic Beverages Control Commission of action taken against it by the New Bedford Licensing Board on **April 13, 2009;** along with a request to stay the suspension pending the appeal to the ABCC.

Rec'd 05/06/09 – Notice of Withdrawal of Appeal from Atty. Bernardo J. Cabral on behalf of Joenat, Inc. d/b/a Freitas Package Store, to the Alcoholic Beverages Control Commission of action taken against it by the New Bedford Licensing Board on **April 13, 2009**; along with a confirmation that the licensee would be complying with the Board's decision and would bring in its license on Monday, May 11, 2009.

From: Eddie J. Jenkins, Chairman, for the ABCC **Dated – 05/05/09** **Received – 05/07/09**
Re: Joenat, Inc. d/b/a Freitas Package Store **1295 Cove Road**
Re: Hearing Date – Tuesday, June 9, 2009 @ 10:45 a.m. A hearing will be held by the Commission to determine whether the above referenced licensee violated certain provisions of M.G.L.'s or Alcoholic Beverages Commission Regulations as follows:
Ch. 138, sec. 34 – sale or Delivery of an alcoholic beverage to a person under 21 years of age (1 count).
Date & Time of Alleged Violations: Friday, May 1, 2009 at approximately 10:30 p.m.

From: Municipal Licensing Corporation **dated 04/29/09**
Re: Meeting of Municipal Licensing Group **Quincy, MA.**
An invitation to attend a meeting with other representatives of city and town licensing departments, boards, and commissions, who want to share information and learn from each other's experiences for the application, processing, and investigation of alcohol licenses, as well as other licenses, for our city and towns. -RSVP by 05/22/09-
Date & Time: Tuesday, June 2, 2009 11:45 a.m. to 3:00 p.m. The Elks Club, 254 Quarry Street, Quincy, MA

- **REVIEW POLICE DEPARTMENT INCIDENT REPORTS**

<u>NAME</u>	<u>POLICE REPORT#</u>	<u>DATE</u>	<u>VIOLATION</u>
1. Whaling City Club	#2009 – 05917	04/15/09	Assault & Battery
2. Southside Annie's	#2009 – 06199	04/20/09	A & B Dangerous Weapon

- **COMPLAINTS RECEIVED:**

-----NONE-----

- **INACTIVE LICENSES A/O 05/18/09 (9) (INFORMATIONAL ONLY) – “FOR JUNE HEARINGS”**

1. Atlantis Café & Restaurant – *Renovations* - Transfer Approved – 03/12/09
2. Elm 22 – *Closed* - Transfer Approved – 03/12/08
3. Jalice Café, Inc. – *Renovations* - Transfer Approved – 03/12/08
4. Jade Garden – *Renovations* - Transfer Approved – 12/26/08
5. Marisqueira Madeira, Inc. – *Renovations* – Transfer Approved – 11/29/05
6. On The Rocks Lounge, Inc. – *Renovations* – Transfer Approved – 10/23/08
7. Rosie's – *For Sale* – Closed – 09/21/07
8. Vila Franca Restaurant & Café – *Renovations* – Transfer Approved – 02/03/09
9. Whaler's Wine & Spirits, Inc. – Closed – 03/11/09

- **PROPOSED FEE INCREASES**

<u>CLASS:</u>	<u>Current Fees:</u>	<u>Fee Increases:</u>	<u>New Fees:</u>	<u>Licenses</u>	<u>Additional Revenue:</u>
Class I (New Car Sales)	200.00	100.00	300.00	4	\$400.00
Class II (Used Car Sales)	200.00	100.00	300.00	105	\$10,500.00
Class III (Junk Car Dealer)	200.00	100.00	300.00	4	\$400.00
MV Auto Body Shops	200.00	100.00	300.00	29	\$2,900.00
Innholder (Days Inn)	100.00	400.00	500.00	1	\$400.00
CV (Restaurant Licenses)	100.00	25.00	125.00	241	\$6,025.00
Music Licenses	100.00	25.00	125.00	219	\$5,475.00
Entertainment Licenses	100.00	25.00	125.00	94	\$2,350.00
Automatic Amuse. Devices	100.00 per machine – No Change				
Lodging House Licenses	50.00	50.00	100.00	32	\$1,600.00
Fortune Teller Licenses	50.00	50.00	100.00	6	<u>\$600.00</u>

POTENTIAL ADDITIONAL NEW REVENUE:

\$30,650.00

No Liquor License Fee Increases Proposed.

- ***NEXT TWO (2) MEETING DATES:*** June 29th & July 27th
- ***MEETING ADJOURNED:***